

March 15, 2012

Sammamish Planning Commission

Re: 2012 Environmentally Critical Areas update for:

- Critical Aquifer Recharge Areas (CARA's)
- Seismic Hazard Areas
- Frequently Flooded Areas

First, let me thank the City Council and Planning Commission for the opportunity to participate in the update process, the availability of all related materials and reports and the ability to comment with the reasonable assurance that our comments will be heard and carefully considered.

As a member of the homeowner's coalition Citizens for Sammamish (CFS), we have reviewed the available materials on the above topics and I have the following comments:

Critical Aquifer Recharge Areas (CARA's)

The report prepared by AMEC looks to me to be reasonably clear & concise with the information presented. Just a few questions here:

1. First of all, on page 2, about mid page it appears that an assumption was made that the 'capture zone' delineations completed in 2005 are in basic compliance with 'Wellhead Protection Guidance Document' issued in 2010. Is this assumption based on careful review of both documents? The wording is a bit unclear.
2. Secondly, and more importantly, is there any danger to groundwater supplies from currently permitted residential uses in all protection class zones? Should residents and property owners within these zones be specifically notified of their status and informed of any restrictions that may be necessary to protect our drinking water supply?
3. There are two maps on the Sammamish web site showing CARA's. Why two and which one is most up-to-date.

Seismic Hazard Areas

Once again, the report prepared by AMEC looks to be reasonably clear & concise. Of all the listed ECA's, this is the most easily addressed. A general geotechnical analysis study for new primary structures will provide all the necessary data, and together with adherence to current building Codes, will allow the developer to design and build their project to avoid any negative impact to their project or to the neighboring properties. This is relatively common practice with most building projects today. The map provided with this report appears to clear and be easily interpreted.

EXHIBIT NO. 42.

Frequently Flooded Areas (FFA's)

This report has identified some serious issues that need to be studied further. The definition of Frequently Flooded Areas (FFA's) leaves the identity of the FFA's problematic. While the 100 yr Flood Zone on Lake Sammamish is clearly defined by FEMA, any other FFA's, streams, wetlands, etc. are neither mapped nor identified. Nor does there seem to be any referenced standard with which to identify and map them. Therefore I propose the following questions:

1. Does the City of Sammamish wish to regulate any FFA's other than the 100 yr Flood Zone on Lake Sammamish? If so, there needs to be a distinct and comprehensive means for identifying and mapping these FFA's.
2. The 100 yr Flood Zone on Lake Sammamish is a very complex zone that involves several State & Federal agencies in the regulation of development. While it is up to the City to administer these regulations, the process for regulation is currently being studied and reviewed by several agencies. Should the review of this ECA designation be tabled until the ongoing process with these agencies is resolved?

Sincerely,

Bob Sorensen

Testimony to 3/15/2012 Planning Commission meeting
From: Reid Brockway
Subject: ECA Consultant Products

A key step in the review of the city's environmental code is to determine the scientific and legal basis – or lack of it – for the requirements it currently contains. And hiring a consultant to do that was, in my opinion, a wise decision. But if the first three reports submitted by AMEC are representative, the work the consultant is doing is inadequate.

The city's assessment of its ECA regulations needs to address *specific requirements in the code*. For a given requirement it needs to ask:

- Is this requirement adequately supported by BAS, and if so, what *is* that science?
- Is this requirement consistent with state laws, and what are the relevant laws?
- How does the requirement compare to those of peer jurisdictions?

The first three reports received do not do this. They merely refer to their respective topics – like critical aquifer recharge areas – *in general terms*. They provide some tutorial content and make a few blanket observations and some general pronouncements or recommendations. And they attach some references and provide links to others, but these, too, are done in blanket fashion without identifying relevant content. The reports do not address specific code requirements and they leave it to the city to find on its own what, in all these references, might pertain to a given requirement. In short, they have left it to the city to do the lion's share of the work.

I'll give you one representative example of how this is a problem.

The first requirement under "Critical aquifer recharge areas – Development standards" states that 75% of on-site storm water volume must be infiltrated. This is one of many what you might call "magic numbers" that appear throughout the code. Their source is not stated, and many appear arbitrary. In the case of the 75% figure, where does it come from? Is it supported by science, in which case what science? Or is it mandated by some state statute or taken from some guideline? Is this for some kind of worst case storm of a defined duration? And are other cities using this standard? Without this kind of insight how can the city assess the validity of this requirement?

Answering such questions is the kind of help the city needs. But the current reports don't delve into the code specifics like this at all.

The three subtasks I mentioned earlier are all in the RFP. Here's what it says (under Basic Responsibilities):

- b. Perform and/or complete research into peer jurisdictions' critical areas regulations with emphasis on neighboring jurisdictions.
- c. Identify and research BAS materials as needed to evaluate critical areas regulations...
- d. Review applicable case law and statutory laws including amendments since 2005.

These things need to be done for each relevant code element, but so far the consultant has performed them at only the highest, most abstract level if at all. In my opinion this is inadequate for the purposes of this ECA code review and update.

EXHIBIT NO. 43.

My name is Jessie and this is Jozef Majerczyk. We live at 2424 212th Ave SE, Sammamish. I have many concerns about my property. Laurel Hill Partners bought property and developed it into a large subdivision next to my property called Pine Stream. There is a large above ground basin/storm water pond next to my property and driveway. Into this pond drains water from about 7 acres or more. This water is a danger because many chemicals that are used as pesticides and lawn care flow into this basin. This water then flows directly onto my property by way of a 12 inch pipe along with the water that drains from the street. There is no ditch for this water to flow down to Pine Stream but rather it flows under the trees on my property that I have there, causing 7 of them to fall over and the others are now beginning to lean over. It continues onto my neighbors land, then what has not been soaked up goes into Pine Stream with all the chemicals. Under the original plans, this drainage was to go on the other side of the street. At last minute, Mrs. Tawnie Dalziel, the Project Engineer Reviewer changed the original plans and gave approval to run this 12 inch pipe with

water across our property. We have written to Mrs. Dalziel along with all the City of Sammamish officials with our concerns and have not received any response. I do not understand if the officials do not know what the situation is or if the City gives more rights to a builder rather than a homeowner and taxpayer, whose property is being destroyed. We would like to know if this basin/pond is built to Washington State Codes because the basin is on a hill while more than three-fourths of our property is below this basin.

My second issue is the addition onto my house. We lived in a 680 square foot home next to Pine Stream. My home was built in 1957 and did not have the restriction of a 150 foot setback as it does now. This set back was established recently, sometime in the early 1990s. In 1993, they began writing this protection clause on titles of property. We purchased this home in 2001 and never received any notice of this protection clause, either written on the title, or any other document nor was it verbalized to us. If we had known of this provision, we would never have bought this property. The only time there is any

water flow in this stream is when it rains for days at a time. Otherwise, the stream is dry. When water does flow in this stream, the water is smelly and looks black. We do not know from which property this water flows. Chemicals from the other properties surrounding mine flow into this stream, so how can fish survive in no water or when there is water, water that is full of chemicals? Today because of the heavy rainfall, if you came to see the stream, there is water there but it is black. Where does black water come from? The stream is protected but my trees that have been there for 20 years are not and the City has allowed the builders to destroy them. Close to the stream attached to the house was a porch that we had enclosed to make it livable and have used it for the past 10 years. Now the City wants to tear this structure down, not only the enclosed porch but the whole house and everything on the property. I do not understand why on Pine Stream, where there is no water or fish, there is a setback of 150 feet while on Sammamish Lake and other surrounding lakes, homes are being built right on the water or have a minimal setback. Was a



home like this, not grandfathered in prior to the protection? It should have been if the protection was enacted after the structures were built. I have once again written the City Council a few months ago and have not received any response. We would like for the City of Sammamish to acknowledge and respond to our concerns.

If anyone is having trouble understanding my pronunciation, I have copies of what I am saying available.

Best Available Science (BAS) Reports

I believe that the topics chosen for review during this first phase were a good choice because they are less controversial than some of the other topics. The submitted reports provide general information supporting the existing regulations. However, I was hoping to read specific BAS supporting each regulation.

For example, the BAS report for frequently flooded areas states that no updates to 21A.50.230 are required. I would like to know the BAS that justifies 21A.50.230(1)(b). This regulation states that the "director may use additional flood information that is more restrictive or detailed than that provided in the Flood Insurance Study ..."

As a person owning or planning to purchase property, I would prefer reliance on the Flood Insurance Study for King County rather than "additional flood information" to which I have may have no access.

In this case, perhaps, I expected too much. However, when the planning commission gets to the more controversial topics, I believe that specific BAS needs to be provided to justify buffer widths and other restrictions that preclude use of one's property. Almost everyone living in Sammamish wants to see the environment protected. As planning commissioners you will need to understand what is damaging the environment. Then you will need to be shown the BAS behind the existing and proposed protective measures. Future BAS reports must provide this information for you to make good decisions.

George Toskey

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EXHIBIT NO. 45.